

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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KENNETH J. H[REDACTED],

Plaintiff,

– against –

KILOLO KIJAKAZI, ACTING  
COMMISSIONER OF SOCIAL SECURITY,

Defendant.  
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CIVIL ACTION No.:  
6:21-CV-00324-DNH-ATB

CONSENT ORDER FOR PAYMENT OF  
ATTORNEY FEES UNDER THE  
EQUAL ACCESS TO JUSTICE ACT

IT IS HEREBY STIPULATED AND AGREED by the undersigned attorneys for the parties in the above-titled action that Plaintiff be awarded attorney fees and expenses under the Equal Access to Justice Act (EAJA) (28 U.S.C. § 2412) in the amount of nine-thousand four hundred fifty nine dollars and sixty five cents (\$9,459.65) , and four hundred and two dollars (\$402.00) in costs.

The award of attorney fees will satisfy all of Plaintiff's claims for fees, costs, and expenses under 28 U.S.C. § 2412 in this case. Any fees paid belong to Plaintiff and not to his attorney and can be offset to satisfy pre-existing debt that Plaintiff owes the United States. Astrue v. Ratliff, 560 U.S. 586 (2010). After the Court enters this award, if Defendant can verify that Plaintiff owes no preexisting debt subject to offset, Defendant agrees to make the award payable to Plaintiff's attorney pursuant to the EAJA assignment signed by Plaintiff and counsel.

AND, the Court having reviewed the record in this matter;

IT IS on this 22nd day of August , 2022;

ORDERED that Plaintiff be awarded fees and expenses in the amount of \$9,459.65 and \$402.00 in costs under EAJA, and that the fees are payable to the Plaintiff, but if Plaintiff does not owe a debt subject to offset, payable to Plaintiff's attorney; and

**IT IS FURTHER ORDERED** that the within matter is dismissed with prejudice.



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HON. DAVID N. HURD  
UNITED STATES DISTRICT JUDGE

The undersigned hereby consent to the form and entry of the within order.

Dated: August 19, 2022

Kilolo Kijakazi,  
Acting Commissioner of Social Security

Kenneth J. H [REDACTED], Plaintiff

By Her Attorneys,

By His Attorney,

Carla B. Freedman,  
United States Attorney

/s/ James Nagelberg<sup>1</sup>  
James Nagelberg  
Special Assistant United States Attorney  
Social Security Administration  
Office of the General Counsel  
J.F.K. Federal Building, Room 625  
Boston, MA 02203  
(617) 565-2395  
[James.Nagelberg@ssa.gov](mailto:James.Nagelberg@ssa.gov)

/s/ John W. DeHaan  
John W. DeHaan. Esq.  
**THE DEHAAN LAW FIRM, P.C.**  
300 Rabro Drive East  
Suite 101  
Hauppauge, NY 11788  
(631) 582-1200  
[jdehaan@dehaan-law.com](mailto:jdehaan@dehaan-law.com)

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<sup>1</sup> Signed by Attorney John DeHaan with Attorney James Nagelberg's permission, provided via e-mail on August 19, 2022.